



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,271	06/07/2001	Ah Hwee Tan	455392001200	4593

25227 7590 09/21/2006

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

NGUYEN, CINDY

ART UNIT PAPER NUMBER

2161

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,271

Applicant(s)

TAN, AH HWEE

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 and 19-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-17 and 19-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is in response to amendment filed 06/30/06.

Response to Arguments

Applicant's arguments under 35 USC § 101 have been fully considered and are persuasive. The Claim Rejections - 35 USC § 101 has been withdrawn.

Applicant's arguments under - 35 USC § 103 have been fully considered but they are not persuasive.

Applicant argued that the Sheppard discloses that the neural prediction function learns from historical behavior stored in the database, this does not mean that the information is stored in the database in any particular manner, such as by being grouped into classes or clusters based on a similarity function. However, the limitation was not clearly disclosed in the claimed, and Sheppard clearly discloses: said units of information are grouped into classes or clusters based on a similarity function as clustering function 36 in fig. 8, clustering function takes the first record in the database, identifies the generic cluster that is most similar to that record and then modifies that cluster to provide a closer match to the actual record see col. 13, lines 1-64.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

Art Unit: 2161

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) And *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Mitra does discuss a clustering technique, selecting a suitable vigilance parameter (controlled by a baseline vigilance parameter) for a range of clusters that read on the claimed.

1. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-11, 13-17, 19-22, 28-39 and 41-49 stand rejected under 35 U.S.C.

103(a) as being unpatentable over Sheppard (U.S 6026397) (Sheppard) in view of Mitra (US 6421467).

Regarding claims 19 and 47, Sheppard discloses: a method of organizing information into a plurality of classes or clusters with a user-configurable information clustering system, the method using a processor executing instructions stored in a memory, the method and system comprising:

a) grouping units of information into clusters based on similarities to create a cluster structure (col. 12, lines 21-39, Sheppard); and

modifying said cluster structure by a user according to user knowledge and preferences (col. 17, lines 60 to col. 18, lines 4, Sheppard).

In addition, Sheppard disclose: a user interface (col. 12, lines 50-67, Sheppard);

A knowledge base for storing said cluster structure, wherein said units of information are grouped into classes or clusters based on a similarity function (col. 20, lines 32-50, Sheppard).

However, Sheppard didn't disclose: said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter. On the other hand, Mitra discloses: said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter (col. 5, lines 45-53, Mitra). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include classes or clusters have a coarseness which is controlled by a baseline vigilance parameter in the system of Sheppard as taught by Mitra. The motivation being to enable the system provide a suitable vigilance parameter needed to be selected for a range of clusters that could be formed to generate multi resolution codebooks for wavelet decomposed sub images, and modified self organizing neural network architecture.

Regarding claims 20 and 48, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: indicating by a user a preference for a lower baseline vigilance parameter by selecting at least one unit of information from each of at least two clusters wherein the selected units of information are deemed by the user to be similar to each other (col. 7, lines 10-40, Mitra).

Art Unit: 2161

Regarding claims 20 and 49, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: indicating by a user a preference for a higher baseline vigilance parameter by selecting at least one unit of information from each of at least two clusters wherein the selected units of information are deemed by the user to be similar to each other (col. 7, lines 10-40, Mitra).

Regarding claims 2 and 28, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein said grouping units of information into clusters is carried out automatically to create a machine-generated cluster structure (col. 13, lines 50-67 and col. 18, lines 5-16, Sheppard).

Regarding claims 3 and 29, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein said modifying comprises creating at least one new information cluster defined by the user (col. 17, lines 60-67, Sheppard).

Regarding claims 4, 8, 30 and 35, most of the limitations of these claims have been noted in the rejection of claims 19, 3, 47 and 29 above, respectively. In addition, Sheppard/Mitra discloses: wherein said modifying further comprises labeling at least

one information cluster by the user using defined symbol¹ (col. 19, lines 20-35, Sheppard).

Regarding claims 5, 9, 31 and 36, most of the limitations of these claims have been noted in the rejection of claims 19, 4, 47 and 30 above, respectively. In addition, Sheppard/Mitra discloses: wherein said modifying further comprises merging of at least two clusters chosen by the user (col. 6, lines 59-67, Sheppard).

Regarding claims 6, 10, 32 and 37, most of the limitations of these claims have been noted in the rejection of claims 19, 5, 47 and 31 above, respectively. In addition, Sheppard/Mitra discloses: wherein said modifying further comprises splitting at least one cluster chosen by the user (col. 8, lines 1-13, Sheppard).

Regarding claims 7, 11, 33 and 38, most of the limitations of these claims have been noted in the rejection of claims 19, 6, 47 and 32 above, respectively. In addition, Sheppard/Mitra discloses: wherein said modifying further comprises storing said cluster structure in a knowledge base (col. 20, 32-50, Sheppard).

Regarding claims 13 and 42, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein said user-configurable information clustering system comprises an adaptive resonance associative map (col. 12, lines 41-45, Sheppard).

¹ Indicated label with respect to the category of information by displayed in tabular form on a blue

Regarding claims 14 and 41, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein said user-configurable information clustering system incorporates user knowledge and preferences for information clustering (col. 17, lines 60 to col. 18, lines 5, Sheppard).

Regarding claims 15, all of the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Sheppard/Mitra discloses: wherein said user-configurable information clustering system further comprises a user interface to provide for viewing and manipulating said cluster structure (col. 13, lines 47-64, Sheppard).

Regarding claims 16 and 44, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein each of said units of information is represented by an information vector (col. 16, lines 16-25, Sheppard).

Regarding claims 17 and 45, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein a user-preferred information grouping is represented by a preference vector (col. 16, lines 16-25, Sheppard).

background for stock, green background for weather and so forth.

Regarding claims 18 and 46, most of the limitations of these claims have been noted in the rejection of claims 19 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein said units of information are grouped into classes or clusters based on a similarity function (col. 8, lines 21-39, Sheppard).

Regarding claims 34 and 39, most of the limitations of these claims have been noted in the rejection of claims 33 and 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein said personalization module further comprises means for retrieving the cluster structure from said knowledge base (col. 14, lines 27-35, Sheppard).

Regarding claims 22, most of the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Sheppard/Mitra discloses: further comprising retrieving said cluster structure to initialize said user-configurable information clustering system prior to clustering new information (col. 16, lines 5-15 and col. 15, lines 30-50, Sheppard).

Regarding claims 43, most of the limitations of this claim have been noted in the rejection of claim 47 above. In addition, Sheppard/Mitra discloses: wherein said user interface permits graphical visualization of said information clusters (col. 15, lines 47-64, Sheppard).

Regarding claims 12, 40, most of the limitations of these claims have been noted in the rejection of claims 19, 47 above, respectively. In addition, Sheppard/Mitra discloses: wherein said information comprises text, image, audio, video or any combination thereof (col. 3, lines 15-45, Mitra).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2161

1. Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
September 6, 2006



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100